

retail customers of a farm winery permittee on the premises of such permittee shall be unlawful on Sunday before 11:00 a.m. and after 8:00 p.m. and on any other day before 10:00 a.m. and after 8:00 p.m.

State law references: Similar provisions, G.S. § 30-91.

Sec. 4-2. Consumption in public areas restricted.

- (a) No person shall consume alcohol or alcoholic beverages of any kind in any public area in the city.
- (b) For the purposes of this section, "public area" shall be construed to include, but not be limited to, streets, roadways, sidewalks, parking areas and parking garages, unless such area is private property and those consuming alcohol therein have permission of the owner thereof to so use his property.
- (c) The provisions of this section shall not apply where a beer, liquor or any other alcoholic permit shall have been issued by the liquor control commission of the state at the A.W. Stanley Golf Course.

(Code 1970, § 4-3; Ord. of 5-79; Ord. of 2-82)

Sec. 4-3. Possession of alcohol by minors.

- (a) *Definitions.*

Alcoholic liquor shall have the same meaning, as the same term is defined in Title 30, Section 30-1(3) of the Connecticut General Statutes as amended from time to time.

Host shall mean to organize a gathering of two (2) or more persons, or to allow the premises under one's control to be used with one's knowledge for a gathering of two (2) or more persons for personal, social or business interaction.

- (b) *Possession.* No minor shall be in possession of alcoholic liquor, whether in opened or closed containers or otherwise, within the City of New Britain except, when accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of twenty-one (21). These restrictions shall apply to both public and private property.
- (c) *Hosting events.* No person shall host an event or gathering at which the host knowingly allows alcoholic liquor to be consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of twenty-one. This restriction shall apply to any event or gathering within the City of New Britain whether conducted on public or private property.
- (d) *Penalty.* Any person violating any provision of this act shall be subject to a fine of ninety dollars (\$90.00).

(Ord. No. 27712-1, 10-22-03)

Chapter 5 AMUSEMENTS*

***Charter references:** General welfare powers, § 532; authority to regulate amusements, § 534.

Cross references: Advertising, Ch. 3; licenses, permits and miscellaneous business regulations, Ch. 14; parks and recreation, Ch. 17.

State law references: Authority to provide for amusements, G.S. § 7-148(c)(4)(C); authority to regulate and license amusement parks and arcades, G.S. § 7-148(c)(7)(H)(vi); authority to prohibit, restrain, license and regulate sports, exhibitions, public amusements and performances and all places where games may be played, G.S. § 7-148(c)(7)(H)(vii); amusements, in general, G.S. §§ 29-129--29-143a.

Art. I. In General, §§ 5-1--5-15
Art. II. Amusement Activities, §§ 5-16--5-35
Art. III. Public Halls, §§ 5-36--5-50
Art. IV. Mechanical Amusement Devices, §§ 5-51--5-63

ARTICLE I. IN GENERAL

Secs. 5-1--5-15. Reserved.

ARTICLE II. AMUSEMENT ACTIVITIES

Sec. 5-16. License--Required.

No person shall display or produce, or aid or assist in producing any public amusement, concert, opera or other performance within the limits of the city without written license therefor from the common council.

(Code 1970, § 5-1)

Sec. 5-17. Same--Fees; exemptions.

- (a) Every applicant for any license required by section 5-16 shall pay to the chief of police for such license the fee herein provided, such fee to be paid when the application for license is made.
 - (1) Opera houses, theatre or moving picture houses:
 - (a) Seating capacity over 1,000, per year . . . \$125.00
 - (b) Seating capacity 500 to 1,000, per year . . . 75.00
 - (c) Seating capacity less than 500, per year . . . 50.00
 - (2) Circus, per day . . . 100.00
 - (3) Street fairs, per day . . . 20.00
 - (4) Merry-go-round, per day . . . 25.00
 - (5) Any mechanical musical machine, the use of which requires the insertion of any coin, slug, or other token, or for the use of which a charge is otherwise made, per year . . . 10.00

- (6) Entertainments given by out-of-town parties in other than opera houses, theatres, churches or similar structures, per day . . . 5.00
 - (7) Amateur boxing or wrestling matches, per day . . . 25.00
 - (8) Public exhibitions when admission fees are required to attend, amateur boxing, wrestling, baseball, football, soccer, polo, hockey, basketball, and other sports, per year . . . 10.00
 - (9) Scooter motor dromes, per year . . . 10.00
 - (10) All other performances, public displays, public performances or exhibitions, such fee as the common council shall prescribe.
- (b) The provisions of this article shall apply to all such exhibitions given or promoted by educational, charitable and religious organizations; provided, however, that these organizations shall be exempt from the payment of any license fees.

(Code 1970, § 5-2)

Sec. 5-18. Same--Issuance; conditions; duration; contents.

The common council shall, upon the recommendation of the committee on licenses, after receipt of an application and fee filed pursuant to the provisions of this article, grant to the applicant a license to display or produce a public amusement, concert, opera or other performance or shall notify the applicant of the denial of his application and the reason or reasons therefor. Such license shall be granted under such reasonable conditions or terms and for such period of time as is in the best interests of the public health, safety and good morals of the residents of the city. All such licenses granted under this article shall contain the date of issuance, the name of the licensee, the license fee paid and the name or style of the exhibition licensed.

(Code 1970, § 5-3)

Sec. 5-19. Same--Revocation.

The common council may revoke any license granted under this article for cause upon due notice to the licensee and any operations conducted under such license shall cease immediately.

(Code 1970, § 5-4)

Sec. 5-20. Chief of police to keep records, collect fees and issue.

The chief of police shall collect all license fees and shall issue all licenses granted by the common council under this article and shall pay over all monies received therefor to the city treasurer as often as once a month. The chief of police shall keep a record of all licenses issued under this article together with the date of issuance, the name of the licensee, the amount of money received therefor and the name or style of the exhibition licensed. The chief of police shall not receive any extra compensation for service rendered under this article.

(Code 1970, § 5-5; No. 26768-1, 2-13-02)

Sec. 5-21. Same--Abatement and rebate of circus fee.

The council may, upon the petition of applicants for a circus license, where such applicants own or control, or directly manage or supervise such circus, abate the license fee for the issuance of the license therefor, if the application for abatement is made to the council before the license is granted. The council may also rebate the license fee after a circus license has been issued and the license fee paid, where the holder or holders of such license controlled or directly managed or supervised such circus, if an application is made to the council for abatement.

(Code 1970, § 5-6)

Sec. 5-22. Carnivals prohibited; exceptions.

- (a) No person shall hold, exhibit, open, maintain or operate any performance or show commonly known as a carnival anywhere within the city; provided, however, that, this section shall not apply to any carnival, bazaar or other similar amusement conducted for the benefit of any religious or bona fide veterans' organization or any fraternal organization in existence for more than three (3) years.
- (b) No carnival, bazaar or other similar amusement permitted under paragraph (a) of this section shall provide rides or be lighted for display later than 12:00 midnight.

(Code 1970, § 5-7)

Secs. 5-23--5-35. Reserved.

ARTICLE III. PUBLIC HALLS

Sec. 5-36. Definition.

"Public hall," as used in this article shall mean any place in the city wherein any public amusement, concert, opera, play or other public exhibition shall be held.

(Code 1970, § 5-10)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 5-37. Policemen required at performance; duties; reports.

- (a) *Police attendance required.* The owner, lessee or other person in charge of any public hall shall be required to have a regular or supernumerary member of the city police force in attendance at every public performance or gathering held therein, provided in no case shall the owner, lessee or other person in charge of the public hall have any preference as to the policeman assigned.
- (b) *Police duties.* The policeman shall preserve public order, enforce all state laws and city ordinances, and ensure that all exits remain unlocked and all fire escapes are ready for use during the time of the public performance or gathering.

- (c) *Additional policemen.* The chief of police may assign such additional policemen to any public hall as he deems reasonably necessary.
- (d) *Written report.* On the day after such public performance or gathering, or on the Monday following when such succeeding day falls on Sunday, the policeman present shall submit a detailed written report to the chief of police certifying whether all state laws and city ordinances have been complied with and all his instructions carried out.
- (e) Police attendance shall not be required at a hall during the time in which a bingo game is held.

(Code 1970, § 5-13; Ord. of 12-73)

Sec. 5-38. Payment of policeman's salary for duty.

The owner, lessee or other person in charge of a public hall shall pay the policeman funds as provided in the agreement between local 1165 and the city.

(Code 1970, § 5-14)

Secs. 5-39--5-50. Reserved.

ARTICLE IV. MECHANICAL AMUSEMENT DEVICES

Sec. 5-51. Statement of purpose and findings.

- (a) It is hereby found that the popularity of pinball and video games and similar forms of recreation has caused a proliferation of locations where such games may be played, and this growth in popularity will, in all probability, continue for some time. It is further found that there is a public purpose to be served in the regulation of such games and the locations where they are available in order to:
 - (1) Protect the public safety;
 - (2) Enable the municipal police authorities to efficiently plan the deployment of their personnel;
 - (3) Prevent interruption of or interference with traffic patterns on city streets;
 - (4) Ensure the public peace;
 - (5) Prevent the creation of areas where the congregation of large numbers of youth has a deleterious effect upon existing businesses or impedes the free flow of both vehicular and pedestrian traffic;
 - (6) Prevent the creation of situations which foster truancy;
 - (7) Preserve property values adjacent to such locations.
- (b) It is further found that a rational, ordered plan of control in the licensure of these locations will serve these public purposes without causing any undue burden or hardship upon individuals or firms wishing to operate such businesses, and that these locations, if properly located, planned, supervised and policed will provide much needed recreational

opportunities for people of all ages.

(Code 1970, § 5-15; Ord. of 3-82)

Sec. 5-52. Definition.

As used in this article, "mechanical amusement device" shall mean any machine of the nature or style of a pinball, video, game of skill, pingame or similar machine or device which, upon the insertion of a coin, or slug, or payment of a fee, presents to the user a form of amusement, challenge or skill.

(Code 1970, § 5-16; Ord. of 3-82)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 5-53. License--Required.

- (a) No person shall display for public patronage or keep for use by any club or association any mechanical amusement device without first obtaining a license therefor from the chief of police, or, in the case of a license for more than four (4) machines to be located in any one location, from the board of police commissioners.
- (b) Such license must be applied for by the following persons in each situation:
 - (1) Outlets or locations with a liquor permit: the permittee;
 - (2) Clubs or fraternal organizations: the president of the club or organization;
 - (3) Retail stores and other locations where the principal business of the establishment is not the offering of mechanical amusement devices for public play: the leasee of the subject location;
 - (4) Arcades and other locations where the principal business of the establishment is the offering of mechanical amusement devices for public play: the leasee of the subject location or operator of the arcade.
- (c) Licenses may not be applied for by or granted to any distributors of mechanical amusement devices or managers or employees of the above locations.
- (d) Licenses are not assignable and become void upon the termination of the involvement of the licensee in the operation.

(Code 1970, § 5-17; Ord. of 3-82)

Sec. 5-54. Same--Application required; contents.

- (a) Applicants for licenses under this article shall file a sworn application in writing with the police department on a form to be furnished by the police department.
- (b) The application shall contain the following information:
 - (1) Name of applicant; if a partnership, names of all partners; if a corporation, club or association, names of officers.
 - (2) Residence of applicant.

- (3) Place and date of birth of applicant; if a corporation, club or association, date organized, state of incorporation, and place and date of birth of officers.
 - (4) Place and location where the machine or device is to be displayed or operated and the type of business conducted at that place.
 - (5) Citizenship status of applicant or of officers, if applicant is corporation, club or association.
 - (6) Prior criminal convictions, if any, of applicant or of officers, if applicant is corporation, club or association.
 - (7) Description and number of machines to be covered by the license, mechanical features, name of manufacturer, serial number.
 - (8) Ownership of machines including all parties having an interest therein or an interest by virtue of a financing or security agreement.
- (c) In all cases of application for a license for more than four (4) machines to be located at any one location, except circus or carnival licenses as established in section 5-59 of this Code, the applicant shall give written notice of the application to all property owners within a three hundred (300) foot radius of the proposed location and file with his application an affidavit that this requirement has been complied with, listing the names of all parties to whom notice has been given.
- (d) In all cases of application for a license for more than four (4) machines to be located at any one location, except circus or carnival licenses as established in section 5-59 of this Code, the applicant shall post a sign on the premises wherein the machines will be located at least thirty (30) days prior to application giving notice of the applicant's intention to request such a license. The printing on such sign shall be at least four (4) inches high, and the sign shall be located where it is clearly visible from the street.

(Code 1970, § 5-18; Ord. of 3-82)

Sec. 5-55. Same--Investigation; approval and issuance (four or less machines in one location).

- (a) Upon receipt of an application for a license for four (4) or less machines in one location as required under this article, the chief of police shall investigate the locations wherein it is proposed to operate such mechanical amusement device, ascertain if the applicant is a person of good character, and either approve or disapprove the application.
- (b) All mechanical amusement devices shall be inspected and approved by a member of the police department or other authorized person prior to the issuance of a license, and a seal attesting such approval shall be attached to each of such machines. The inspection fee shall be twenty-five cents (\$0.25) per machine.
- (c) No license shall be issued to any applicant unless he shall be over twenty-one (21) years of age.

(Code 1970, § 5-19; Ord. of 3-82)

Sec. 5-56. Same--Investigation, approval and issuance (more than four machines

in one location).

- (a) In cases of licenses for the operation of more than four (4) mechanical amusement devices at any one location, except circus or carnival licenses as established in section 5-59 of this Code, the board of police commissioners shall make the final determination as to whether a license shall be issued.
- (b) No license shall be issued for operation of more than four (4) mechanical amusement devices at any one location except circus or carnival licenses as established in section 5-59 of this Code, unless and until a complete report containing the following data is submitted to the board of police commissioners by the chief of police:
 - (1) Data on the applicant.
 - (2) Location of the proposed outlet or operation.
 - (3) Proximity of the proposed outlet or operation to schools, churches, other businesses.
 - (4) Nature and character of the neighborhood.
 - (5) Recommendations of the chief.
- (c) The board of police commissioners, after receipt of such report, may, if it deems it necessary, hold a public hearing or solicit comments from all interested parties.
- (d) Prior to the issuance of any such license the board of police commissioners must receive proof, in the form of an affidavit, that the provisions of section 5-54(c) and (d) have been complied with.
- (e) In deciding whether to issue any such license the board of police commissioners may take into consideration:
 - (1) The data, reports and recommendations submitted by the chief of police.
 - (2) The possible effects upon the neighborhood, local businesses, churches and schools of the issuance of a license.
 - (3) The availability of other, more suitable, locations.
 - (4) The concerns expressed by neighbors or citizens attending the public hearing.
 - (5) The number and proximity of other locations of a similar nature.
 - (6) The possible effects upon the public peace and safety.
 - (7) The possible effects upon vehicular and pedestrian traffic patterns.
 - (8) The possible effects upon the levels of truancy in the neighborhood.
 - (9) The possible effects upon property values of adjacent properties within a three hundred (300) foot radius of the proposed location.
 - (10) Such other factors as they deem relevant and important to a proper determination.

(Code 1970, § 5-20; Ord. of 3-82)

Sec. 5-57. Same--Issuance prohibited for location involving more than four machines except to owner of machines, inspection, age.

- (a) No license required by this article for the operation of a location involving more than four (4) machines may be issued to anyone except the person who actually owns the machines to be located therein, except that nothing herein shall prevent the existence of an interest in such machines on behalf of any other person by virtue of a chattel mortgage, financing or security agreement.
- (b) All mechanical amusement devices shall be inspected and approved by a member of the police department or other authorized person prior to the issuance of a license, and a seal attesting such approval shall be attached to each of such machines. The inspection fee shall be twenty-five cents (\$0.25) per machine.
- (c) No license shall be issued to any applicant unless he shall be over twenty-one (21) years of age.

(Code 1970, § 5-21; Ord. of 3-82)

Sec. 5-58. Same--Fees; expiration date.

- (a) Every applicant, before being granted a license under this article shall pay an annual fee of twenty-five dollars (\$25.00) for each mechanical amusement device, with a maximum fee for multiple devices in one location and arcades not to exceed two hundred fifty dollars (\$250.00). Each license shall expire annually on December thirty-first. The fee for any license issued after July first in any year shall be prorated on a monthly basis for the remainder of the year.
- (b) No applicant may commence operations without first obtaining a license to do so, and if an applicant does commence operations prior to the issuance of a license, he may, in the discretion of the board of police commissioners or the chief of police, as the case may be, be denied a license and barred from reapplying for a period of one year.
- (c) If any applicant who holds a license fails to procure a renewal within thirty (30) days of the expiration of the previous license, such applicant shall be disqualified from applying for or holding a license for a period of one (1) year.

(Code 1970, § 5-22; Ord. of 3-82)

Sec. 5-59. Same--Circus and carnival.

- (a) There shall be a special license available to any applicant who operates a circus, carnival, bazaar or similar transient operation. Such license shall be granted after application as provided for regular licenses herein, but shall be valid only for a designated period not to exceed fourteen (14) days, which period shall be specified by the applicant upon application. The license fee for such a license shall be two hundred dollars (\$200.00).
- (b) Such license fee may be waived by the common council for all circus, carnival or bazaar events conducted by, for or on behalf of charitable, religious or educational associations or societies. The license committee of the common council shall have jurisdiction to

make any determination required to allow such a waiver, but the common council must as a body vote to waive the fees.

- (c) Any applicant who operates a circus, carnival, bazaar or similar transient operation on property owned by the City of New Britain shall be required to have insurance which conforms to the city's standards, names the City of New Britain and Consolidated School District as an additional insured and includes a hold harmless and indemnification agreement in favor of the City of New Britain.

(Code 1970, § 5-23; Ord. of 3-82; Res. No. 29016-2, 4-12-06)

Sec. 5-60. Same--To be conspicuously displayed.

The license or licenses issued under this article shall be conspicuously posted at the location of the machine in the premises wherein such mechanical amusement device is to be operated.

(Code 1970, § 5-24; Ord. of 3-82)

Sec. 5-61. Same--Revocation; definition of "cause."

- (a) The board of police commissioners shall have the power to revoke any license granted under this article for cause after hearing upon due notice in writing to the licensee. The licensee shall have an opportunity to be heard and to be represented by counsel at such hearing.
- (b) Cause shall include but shall not be limited to, conviction of a crime subsequent to the granting of the license, providing false information in the license application form, violation of any provision of this article, or operating any location or arcade where such devices are located in such a fashion to cause a public nuisance or interfere with the quiet use and enjoyment, safety or security of any neighboring property or the neighborhood in which the arcade or location is situated.

(Code 1970, § 5-27; Ord. of 3-82)

Sec. 5-62. Hours of use restricted.

No location containing more than four (4) machines shall permit public use of the machines prior to 3:30 p.m. (prevailing time) on any day that the public or parochial schools of the city are in full session to any person under the age of eighteen (18).

(Code 1970, § 5-25; Ord. of 3-82)

Sec. 5-63. Restrictions and prohibitions on use of machines.

No person holding a license under this article shall permit any person or persons to congregate in the premises where such machines are located in an unruly fashion, or permit such machines to be used for gambling, and such person shall be required to maintain good order in the premises where the machines are located

(Code 1970, § 5-26; Ord. of 3-82)